

DOCKET NO. PRES06-00208  
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : GENE W. ZDENEK ET AL  
U.S. Serial No. : 09/863,006  
Filed : May 22, 2001  
For : SCLERAL EXPANSION DEVICE HAVING DUCK BILL  
Group No. : 3738  
Examiner : William H. Matthews

**MAIL STOP 16**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

Applicant hereby requests a refund in the amount of \$370.00 for the Appeal Brief filing fee (\$250.00) and one-month extension fee (\$120.00) charged to Davis Munck Deposit Account No. 50-0208 on February 9, 2005. A copy of the Deposit Account Statement dated February 2005 is attached.

On December 29, 2003, Applicant filed Appellant's Brief on Appeal, Amendment and Response to Final Office Action, Petition for Extension of Time (one month) and check in the amount of \$440.00 for the Appeal Brief filing fee (\$330.00) and one month extension fee (\$110.00).

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A copy of the date-stamped postcard acknowledging receipt of the above-mentioned documents and check in the USPTO is also attached.

Applicant thereafter received a Notice of Non-Compliance dated January 3, 2005. A Response to the Notification of Non-Compliance and Substitute Appellant's Brief were filed in the USPTO on February 3, 2005. Since the Appeal Brief filing fee and one-month extension fee were paid on December 29, 2003, no additional fees were due with the filing of the Response to Notification of Non-Compliance and Substitute Appellant's Brief on Appeal.

Please issue a credit in the amount of \$370.00 to Davis Munck Deposit Account No. 50-0208 for this overpayment.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: June 6, 2005

  
\_\_\_\_\_  
William A. Munck  
Registration No. 39,308

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**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:**

February 2005

**Deposit Account Number:**

500208

**Name:**

DAVIS MUNCK

**Attention:**

JOHN T MOCKLER

**Address:**

900 THREE GALLERIA TOWER

**City:**

DALLAS

**State:**

TX

**Zip:**

75240

DATE SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01 1	09780100	PO4729	1501	\$1,330.00	\$3,102.00
02/01 2	09780100	PO4729	1504	\$300.00	\$2,802.00
02/01 3	09780100	PO4729	8001	\$30.00	\$2,772.00
02/02 20	10983835	SMIT26-00018	1504	\$300.00	\$2,472.00
02/02 21	10983750	SMIT26-00016	1504	\$300.00	\$2,172.00
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02/04 71	E-REPLENISHMENT		9203	-\$3,000.00	\$4,847.00
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02/08 9	09212852	EU332960342	1202	\$198.00	\$4,481.00
02/08 10	09212852	EU332960342	1252	\$400.00	\$4,081.00
02/08 364	09712827		1806	-\$180.00	\$4,261.00
02/09 27	09863006	PRES06-00208	2402	\$250.00	\$4,011.00
02/09 28	09863006	PRES06-00208	1251	\$120.00	\$3,891.00
02/16 420	78567883	STRO02-00005	7001	\$325.00	\$3,566.00
02/16 597	78567973	DYKE01-00002	7001	\$325.00	\$3,241.00
02/17 876	2223550	SKIL01-00003	7205	\$100.00	\$3,141.00
02/17 877	2223550	SKIL01-00003	7208	\$200.00	\$2,941.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
		\$4,432.00	\$4,671.00	\$3,180.00	\$2,941.00

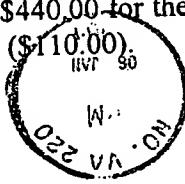
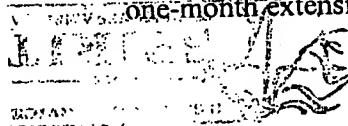
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Mailed: December 29, 2003  
In re Application of: GENE W. ZDENEK  
U.S. Serial No.: 09/863,006  
Filed: May 22, 2001  
For: SCLERAL EXPANSION DEVICE HAVING DUCK BILL  
Docket No.: PRES06-00208

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by First Class Mail; and
- 2) Appellant's Brief on Appeal (in triplicate);
- 3) Amendment and Response to Final Office Action;
- 4) Petition for Extension of Time (in duplicate); and
- 5) Check in the amount of \$440.00 for the Appeal Brief filing fee (\$330.00) and one-month extension fee (\$110.00).



RECEIVED  
DAVIS MUNCK  
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FILED  
JAN - 9 2004

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**Customer No. 23990**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : GENE W. ZDENEK ET AL  
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Group No. : 3738  
Examiner : William H. Matthews

**MAIL STOP 16**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

Sir: The undersigned hereby certifies that the following documents:

1. Request for Refund;
2. Copy of Deposit Account Statement dated February 2005;
3. Copy of date-stamped postcard acknowledging receipt of Appellant's Brief on Appeal, Amendment and Response to Final Office Action, Petition for Extension of Time and Check in the amount of \$440.00 for the Appeal Brief filing fee (\$330.00) and one-month extension fee (\$110.00) as filed in the USPTO on December 29, 2003; and
4. Postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 7, 2005.

Date: June 7, 2005

Date: Jan 6, 2005

Kathy Hamilton  
Mailer  
William A. Munck  
William A. Munck  
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**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUBSTITUTE APPELLANTS' BRIEF ON APPEAL**

This Substitute Brief is submitted in response to the Notice of Non-Compliance mailed January 3, 2005 for the application identified above. A check in the amount of \$440.00 was previously submitted for the Appeal Brief filing fee (\$330.00) and one-month extension fee (\$110.00). Please charge any additional necessary fees to Deposit Account No. 50-0208.

12/09/2005 SSESHE1 00000023 500208 09863006

01 FC:2402 250.00 DA  
02 FC:1251 120.00 DA

Adjustment date: 07/20/2005 SDIRETA1  
02/09/2005 SSESHE1 00000023 500208 09863006  
01 FC:2402 250.00 CR  
02 FC:1251 120.00 CR

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